

UNITED STATES DISTRICT COURT

for

EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Edward Otis Liggins, Jr.

Docket No. 5:09-CR-115-1F

Petition for Action on Supervised Release

COMES NOW Eddie J. Smith, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Edward Otis Liggins, Jr., who, upon an earlier plea of guilty to 18 U.S.C. § 2250, Knowingly Fail to Register as Required by the Sex Offender Registration and Notification Act, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on September 16, 2009, to the custody of the Bureau of Prisons for a term of 34 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 120 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall participate in mental health/sex offender treatment, evaluation testing, clinical polygraphs and other assessment instruments as directed by the probation officer. While under supervision in the Eastern District of North Carolina, the defendant shall further abide by the rules and regulations of the NCE Sex Offender Program.
3. The defendant shall comply with the registration requirements of the Sex Offender Registration and Notification Act of 2006, as directed by the Bureau of Prisons and the probation officer.
4. The defendant shall cooperate in the collection of DNA as directed by the probation officer.
5. The defendant shall submit to a search of his person, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects at any time, with or without a warrant. The search may be conducted by any law enforcement officer or probation officer with reasonable suspicion concerning a violation of a condition of supervision or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer's supervision functions.

Edward Otis Liggins, Jr. was released from custody on February 26, 2012, at which time the term of supervised release commenced. On June 11, 2012, a violation report was submitted to the court reporting the defendant had been charged in Robeson County, NC, with the offense of No Operator's License. The defendant was verbally reprimanded and instructed not to drive until properly licensed. The court agreed to continue supervision.

On July 20, 2012, a violation report was submitted to the court reporting the defendant tested positive for marijuana on June 8, 2012. The court agreed to continue supervision.

Edward Otis Liggins
Docket No. 5:09-CR-115-1F
Petition For Action
Page 2

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On September 6, 2012, the defendant submitted a urine sample that tested positive for marijuana. When confronted with the results, the defendant admitted to using marijuana prior to the test and additional use on or about September 19, 2012. Additionally, the defendant admits to recent problem with alcohol use. Currently, the defendant is enrolled in sex offender counseling. His counselor has been advised of his current substance abuse problem and it will be addressed in counseling. We will continue to monitor the defendant's substance abuse use through the Surprise Urinalysis Program. At this time, we are recommending that the conditions of supervision be modified to include nine days in custody and an alcohol abstinence condition. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 9 days, as arranged by the probation office, and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Eddie J. Smith
Eddie J. Smith
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: September 25, 2012

ORDER OF COURT

Considered and ordered this 26th day of September, 2012, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge